

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERTRUDE C.F. HAMILTON,

Plaintiff-Appellant,

v.

MARK IV INDUSTRIES, INC., et al.,

Defendant-Appellee

PRO SE OFFICE

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Case No. 1:11-cv-02916 (RMB)

AMENDED NOTICE
RESPONSE BRIEF

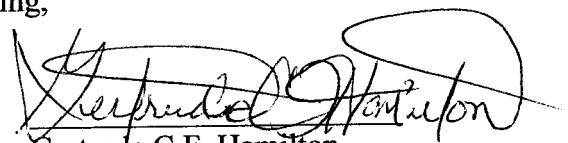
**RESPONSE BRIEF TO MARCH 16, 2011 "MEMORANDUM ENDORSEMENT
AND ORDER DENYING RELIEF REQUESTED BY GERTRUDE C. F.
HAMILTON"**

Appellant "Hamilton" amends her Response Brief filed May 16, 2011, as follows: On page 2, STATEMENT OF THE CASE, line 6 – the month "May" was submitted in error, it should be August 13, 2007. The company name is Mark IV Industries, Inc.

Should read:

On **August 13, 2007**, Hamilton filed a lawsuit against her former employer Dayco Products, LLC and Mark IV Industries, Inc.

Respectfully correcting,



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Dated this 19th day of May, 2011

STATEMENT OF THE CASE

The underlying litigation results from Hamilton's retaliatory termination by the defendants for reporting disability discrimination. Hamilton had a workplace accident and after working for a few months afterward, her employer (the defendants) put her on Workers' Compensation leave. The defendants terminated Hamilton less than a year later, even though they told her that she was safe from termination for at least a year from the date the leave of absence began. On **August 13, 2007**, Hamilton filed a lawsuit against her former employer Dayco Products, LLC and **Mark IV Industries, Inc.** On April 30, 2009, Mark IV Industries filed chapter 11 bankruptcy. On May 21, 2009, Hamilton had Summary Judgment entered against her by Judge Patrick Michael Duffy of the U.S. District Court for South Carolina, the defendants dismissed their countersuit, and the case was closed. On June 8, 2009, an Amended Summary Judgment was entered in the case. On August 11, 2009, Hamilton filed a Motion for Reconsideration, which was denied without opinion on August 13, 2009. On August 31, 2009, Hamilton filed a Notice of Appeal to the Order on Summary Judgment. On September 22, 2009, Hamilton filed an Appeal to the Fourth Circuit Court of Appeals. On February 23, 2010, the Fourth Circuit Court of Appeals dismissed the appeal for lack of jurisdiction and affirmed denial of the Motion for Reconsideration. Hamilton submitted a Writ of Certiorari to the U.S. Supreme Court, which was denied. On March 10, 2011, Hamilton submitted a memo to the U.S. Bankruptcy Court for the Southern District of New York alleging fraud by the defendants. On March 16, 2011, the U.S. Bankruptcy Court for the Southern District of New York denied relief to Hamilton. It is from that Order that Hamilton appeals to this Court.